

# **Exhibit L-5**

**U.S. v. Romero-Romero**

**CR 07-0711 MMC**

**Transcription of Immigration Hearing of Oscar Ernesto-Romero-Romero, Jr.  
January 9, 2004**

IJ: Immigration Judge

OR: Oscar Romero-Romero, Jr.

GA: Government Attorney

TM: Timothy Meyers, Counsel for Oscar Romero-Romero, Jr.

ORM: Oscar Romero-Romero, Jr. mother

UF: Unknown Female

IJ: [UI] in San Pedro, California on January 9, 2004, in the matter of Oscar Romero-Romero, Jr., 41715825. On behalf the respondent?

TM: Timothy Meyers.

IJ: On behalf of the government?

GA: Jeffrey Finigan.

IJ: The respondent is present. Good afternoon, sir. What is your true and complete name?

OR: Oscar Ernesto Romero, Jr.

IJ: Alright, this matter is scheduled for today for a hearing on the merits of the withholding and torture application. Counsel you said that prior to presenting your case you wanted to make a motion.

TM: Yes, Your Honor, after speaking with my client about his case and the different options that he has regarding it, he has indicated to me that he wishes to stipulate to removal.

IJ: Is that right, sir?

OR: Yes, Your Honor.

IJ: And who's present with you today?

OR: My mother, uh, two older sisters, and my younger brother.

IJ: And, um, you discussed this with them as well?

OR: Uh, at this moment I haven't Your Honor. I'd like to take a moment, if I may?

IJ: Go ahead.

[*Conversation with family and attorney in Spanish; unintelligible.*]

IJ: Alright Sir, you have, spoken to your family. What do you want to do?

OR: Can I ask my attorney a question?

IJ: Yes.

[Oscar Romero and his attorney, Timothy Meyers, whispering too low to understand]

OR: Yes, Your Honor, I'm ready.

IJ: Alright, how do you wish to proceed?

OR: Your Honor, I wish to uh, um, withdraw my application....

TM: .....and stipulate to the removal?

OR: .....and stipulate to the removal.

IJ: Is that right? You uh, want to give up the um application for withholding of removal and protection under the torture convention?

OR: Yes, Your Honor.

IJ: Sir, do you understand that by giving up that application today the only thing that I can do is order you removed and deported to El Salvador at U.S. government expense because you do not qualify for voluntary departure.

OR: Yes, Your Honor.

IJ: And you also understand that with the order of removal and deportation you will lose your permanent resident status?

OR: Yes, Your Honor.

IJ: You will no longer be lawfully entitled to represent yourself to be a permanent resident or to use your permanent resident card. You understand?

OR: Yes, Your Honor.

IJ: Knowing all of that you still want to give up the opportunity to pursue the application for withholding and removal and protection under the torture convention?

OR: Yes, Your Honor.

IJ: Then you just want me to order you removed and deported to El Salvador?

OR: Yes.

IJ: Anything by the government?

JF: No, Your Honor. *[clearing throat]* No, Your Honor.

IJ: Anything else counsel?

TM: Nothing, Your Honor.

IJ: Then I'm um.....

*[unidentifiable voice whispering]*

IJ: Alright, counsel, I'm ordering the respondent removed and deported to El Salvador in the form EOIR-7. If you think my decision is incorrect or unfair you can appeal to a higher court or you can accept my decision. Did you explain and discuss appeal with your client?

TM: Yes we've discussed it, Your Honor.

IJ: And?

TM: We waive appeal, Your Honor.

IJ: Sir, your attorney tells me that you wish to give up your right to appeal the decision ordering you removed and deported to El Salvador. Is that what you want to do?

OR: Yes, Your Honor.

IJ: Do you understand that by giving up the right to appeal today, that decision becomes final, that means my decision to deport you becomes final. That means that you cannot change your mind and appeal later.

OR: Yes, Your Honor.

IJ: And knowing that you still wish to accept the decision as final and give up your right to

appeal?

OR: Yes, Your Honor.

IJ: Any appeal by the government?

JF: Waived.

IJ: The officer is handing you a copy of section 243 and 274(d) of the Immigration and Nationality Act, which describes the penalties which may be imposed upon you if you refuse or fail to depart from the United States pursuant to this order. Hearing is closed.

End of Hearing

End of Tape 2